S.B.CIVIL WRIT PETITION NO.651/2007

Nitesh Paliwal Vs. State of Rajasthan & Ors.

DATE OF ORDER :: 10.8.2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.C. Bhoot, for the petitioner.

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By this petition for writ a direction is sought to quash the marriage certificate issued by the Marriage Registrar Officer, Municipal Council, Udaipur as a consequent to order dated 15.12.2006 passed by the District Marriage Officer cum Collector, Udaipur. The contention of learned counsel for the petitioner is that the Collector, Udaipur failed to decide the objections raised by the petitioner while registering his marriage with respondent No.4, and therefore, the certificate so issued is bad in eye of law. In para 6 of the writ petition it is stated that a civil regular suit for declaration and injunction in the court of learned Civil Judge (Jr. Div.), Rajsamand has already been filed by the petitioner seeking a declaration that respondent No.4 is not his wife, marriage being held under duress. As such, even according to the petitioner the marriage is in currency, therefore, at this stage this petition for writ to quash marriage certificate is fundamentally misconceived. The certificate shall be of no consequence if ultimately a declaration be granted as sought by the petitioner in the civil suit.

In such circumstances, I am not inclined to interfere with the matter. Beside this, the writ petition involves complicated question of facts and those cannot be settled in this petition for writ. The writ petition, is accordingly dismissed.

(GOVIND MATHUR),J.

jgoyal